

# EXHIBIT G

August 18, 2021

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1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF OHIO  
3 EASTERN DIVISION  
4

5 IN RE: )  
6 NATIONAL PRESCRIPTION ) MDL No. 2804  
7 OPIATE LITIGATION )  
8 ) Case No. 1:17-md-2804  
9 THIS DOCUMENT RELATES TO: )  
10 ) Judge Dan Aaron Polster  
11 )  
12 ALL CASES )  
13 ) Mag. Judge David A. Ruiz  
14

15 TRANSCRIPT OF THE SPECIAL MEETING  
16 REGARDING DOCUMENT AUTHENTICATION AND ADMISSIBILITY  
17 WEDNESDAY, AUGUST 18, 2021  
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20 The transcript of the Special Meeting  
21 Regarding Document Authentication and Admissibility  
22 before Special Master David R. Cohen, called by the  
23 Plaintiffs pursuant to the Federal Rules of Civil  
24 Procedure, taken before me, the undersigned, Jill  
25 A. Kulewsky, RPR and Notary Public within and for  
the State of Ohio, taken at the offices of Jones  
Day, 1001 Lakeside Avenue East, Cleveland, Ohio,  
commencing at 10:11 a.m., the day and date above  
set forth.

1 MR. WEINBERGER: In terms of the  
2 defendants' documents or --

3 SPECIAL MASTER COHEN: I'm just  
4 taking a pause here. We can go to the  
5 plaintiffs' documents and then address my  
6 question. My point is, I'm here, I'm trying to  
7 be helpful to you, I'm trying to get rulings  
8 out, and if there are any other issues that we  
9 should discuss, then we should do it while  
10 we're all in the same room.

11 MR. WEINBERGER: So as I set  
12 forth in one of the e-mails to set up this  
13 meeting, a very important issue for us is the  
14 issue of ARCOS and the defendants'  
15 transactional data that has been produced, and  
16 it's not just the raw data but it's also the  
17 process they gave us.

18 So as everybody in this case knows, this  
19 whole ARCOS and defendants' transactional data  
20 on both the distribution and dispenser side was  
21 processed by Dr. McCann, and it's been laid out  
22 in his report, and he's been deposed about it,  
23 and as reflected in our recently filed motion  
24 in limine, we intend to create 1006 summaries  
25 based upon that process data. So we're putting

1 out questions of the admissibility of not only  
2 the raw data but the process data.

3 I might add that in the case before Judge  
4 Faber, and I realize these defendants were not  
5 parties to that case, it took several days of  
6 testimony by Dr. McCann to lay the foundation  
7 for the admissibility of the process data and  
8 1006s created from that process data, and Judge  
9 Faber issued a lengthy opinion analyzing that,  
10 and that issue I'm admitting into evidence.

11 We've attached a copy of that opinion to  
12 the motion in limine that we just filed. It's  
13 actually an affirmative motion in limine to  
14 seek the admission of the 1006s in this case.  
15 So it's out on the table.

16 SPECIAL MASTER COHEN: I mean if  
17 you teed it up via a motion in limine, which is  
18 probably the better way to do it, then the  
19 Court will deal with it that way. I'm not  
20 going to touch it now.

21 MR. WEINBERGER: We teed up the  
22 1006 issue, and obviously as a foundational  
23 part of that is the reps.

24 SPECIAL MASTER COHEN: Well, it  
25 sounds like it's teed up. It sounds like it's

1           teed up in a more precise, thorough way via a  
2           motion in limine, and so it doesn't make sense  
3           to me that we should get into it now,  
4           especially without the defendants having had a  
5           chance to respond. In other words, it sounds  
6           like that issue is going to get ruled on.

7                       MR. WEINBERGER: Perhaps we don't  
8           have a dispute.

9                       SPECIAL MASTER COHEN: We'll find  
10          out.

11                      MR. LANIER: Are you all going to  
12          fuss with that, that's what Pete is trying to  
13          say?

14                      MR. STOFFELMAYR: We've already  
15          agreed the 1006 summaries depend on the  
16          summary. Some are good, some are bad, and we  
17          have the ones attached to the motion, and we're  
18          looking at those to see if they are different  
19          than the ones we've seen before. But no one  
20          disagrees there is such a thing as an improper  
21          1006 summary, and no one disagrees that there's  
22          a bad one, unless you look at the actual  
23          summaries.

24                      MR. WEINBERGER: One  
25          clarification, Kaspar. Are we talking about

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1 the same language? Are we talking about the  
2 process data or the raw data?

3 MR. STOFFELMAYR: I don't know  
4 what process data means, so I guess I can't  
5 answer that.

6 MR. WEINBERGER: What McCann did  
7 to the raw data to come up with his various  
8 charts and his opinions in his report.

9 MR. STOFFELMAYR: So what he did  
10 is not a thing. If there is like a database,  
11 something produced, something we're supposed to  
12 look at, I guess we could say, yes, we think  
13 his manipulation was fine, whatever he did,  
14 everyone has to do that to --

15 MR. WEINBERGER: There's many,  
16 many pages of charts and attachments and --

17 MR. STOFFELMAYR: Right.

18 SPECIAL MASTER COHEN: I don't  
19 understand how that issue doesn't get teed up  
20 via Daubert or --

21 MR. WEINBERGER: They didn't have  
22 to deal with Daubert on that issue.

23 SPECIAL MASTER COHEN: Okay.  
24 Well, maybe that answers the question. But  
25 also, to some extent at trial, you're going to

1 have to present to the jury what it is -- first  
2 of all, what ARCOS data is and what your  
3 experts did with it. That's just a part of the  
4 normal presentation of evidence.

5 I don't -- I'm kind of missing where  
6 there's an authentication issue. It sounds  
7 more like a Daubert process question. But  
8 anyway, it's teed up via a motion in limine.

9 MR. WEINBERGER: I understand the  
10 distinction, Special Master Cohen, and perhaps  
11 it is an authentication issue and I should be  
12 using that terminology.

13 The question is what he did, was the  
14 processing a valid way of processing the data,  
15 and to my knowledge, there is no dispute --  
16 there is no dispute about it, there hasn't been  
17 a Daubert about it, and I don't think that it  
18 serves any of us or the Court or the jury to  
19 have to spend two days taking this witness  
20 through an examination that can't be done by  
21 way of some sort of agreement or stipulation or  
22 otherwise.

23 SPECIAL MASTER COHEN: I don't  
24 know how this plays out. If the defendants  
25 believe -- and of course, you don't have to

1 file a Daubert motion as plaintiffs didn't and  
2 then attack the process at trial, you know,  
3 there's tactical reasons to do that, strategic  
4 reasons to do that. If the defendants believe  
5 that the processing of the data was incorrect,  
6 they can bring that out at trial.

7 I guess my point is that we're not going  
8 to talk any more about this today because I'm  
9 not sure it's teed up properly.

10 MR. LANIER: Okay.

11 SPECIAL MASTER COHEN: It doesn't  
12 mean it doesn't get teed up later.

13 Any other issues?

14 MR. LANIER: No other issues that  
15 we see in terms of what the plaintiffs are  
16 seeking to offer as of today, with the  
17 exception, of course, I spoke with Mr. Hynes  
18 and Mr. Delinsky, and we discussed that they  
19 wanted a little more time to look through the  
20 affidavit, and I said that's fine, and we'll  
21 try and get to that next week. Beyond that, I  
22 think we've dealt with the issues that we  
23 brought to the presence of the Court today.

24 MR. STOFFELMAYR: We have one  
25 weird question about the affidavit. It doesn't